THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 35627 of 1998

DATED: 18-08-2005

Between:

M. A. Majeed S/o. Raheem
R/o. Rangampet, Warangal District.

..... PETITIONER

AND

1 Industrial Tribunal-I,
Hyderabad.
2 The Sub-Divisional Officer, Tele Communications,
Warangal.

.....RESPONDENT(S)

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO.35627 OF 1998

ORDER:

There is no necessity to go into all the details. It is suffice to notice that when the services of the workman were terminated orally, the workman raised a dispute and on failure of conciliation, the matter referred to the Government of India and in turn the Government of India referred the matter to the Industrial Tribunal at Hyderabad for adjudication of the following issue.

> *Whether the action of the management of M/s.Telecom, Warangal (A.P.) represented by their Sub-Divisional Officer, in terminating the service of Sri M.A.Mazeed without complying with the provisions of the Section 25-F of the Industrial Dispute Act,1947 is justified? If not, to what relief the workman concerned is entitled".*

The Labour Court found that the workman has not worked 240 days continuously within one year preceding the date of his termination from service. There is no basis for such finding arrived at by the Labour Court except the counter filed by the

respondent-management stating that the workman worked during the year 1986-87 and thereafter, due to non availability of work, he was disengaged and he has never worked for 240 days in one year before his disengagement in 1987 and later the workman came in the year 1989 and he was engaged for three months. Except this, absolutely there was no oral or documentary evidence such as attendance registers and acquaintance rolls to show that the workman had not put in 240 days service prior to his termination from service to attract the provisions of Section 25 of the Industrial Disputes Act. Therefore, I am of the view that the matter requires to be remitted to the Industrial Tribunal at Hyderabad, for fresh disposal .

In the result, the writ petition is allowed. The impugned award in I.D.No.53 of 1991 dated 17th day of May,1994 on the file of the Industrial Tribunal, Hyderabad, is set-aside. The matter is remitted to the Industrial Tribunal at Hyderabad, for fresh consideration. The Tribunal shall give opportunity to both the parties to lead evidence both documentary as well as oral and dispose of the matter within a period of six months from the date of receipt of a copy of this order. No order as to costs.

C.V.RAMULU,J

18-08-2005

Stp